

Client Rights Office

Department of Health and Family Services
Division of Disability and Elder Services

<http://dhfs.wisconsin.gov/clientrights/index.htm>

Community Programs Training 2005

INFORMAL RESOLUTION RIGHTS AND RULES

The important legal and administrative guidelines to be aware of governing the use of informal resolution processes are found in Wisconsin Administrative Rules, HFS 94:

HFS 94.40 (3) Client Rights Specialist.

(d) If at any time during the formal resolution process a grievant wishes to switch to the informal resolution process, and the other parties agree to the switch, the client rights specialist may suspend the formal resolution process and attempt to facilitate a resolution of the matter between the parties without prejudice to positions of the grievant or the program.

(e) If the client chooses to use the informal resolution process and the matter is resolved, the client rights specialist shall prepare a brief report indicating the nature of the resolution and file it with the program manager, with copies to the client, any person acting on behalf of the client pursuant to s. HFS 94.49, and the parent or guardian of a client if that person's consent is required for treatment.

HFS 94.40 (4) Informal Resolution Process.

(a) Each program shall have available a process which offers clients and persons acting on behalf of clients the option of seeking informal resolution of their concerns.

(b) Use of the informal resolution process shall not be a prerequisite for seeking formal relief.

(c) The informal resolution process may be used pending initiation of the formal resolution process or as an adjunct during the formal resolution process.

(d) The informal resolution process shall be adapted to the particular needs and strengths of the clients being served by the program in order to assist them and any persons acting on their behalf to participate in and understand the process as much as possible.

(e) Any applicable time limits of the formal resolution process shall be suspended during the use of the informal resolution process until a grievant indicates that he or she wishes the formal resolution process to begin or until any party requests that the formal resolution process resume.

HFS 94.42 (3) Switch to Informal Resolution Process.

At any time, if all parties agree, the formal resolution process and any applicable time limits may be suspended to allow the parties to attempt an informal resolution of the matter under s. HFS 94.40(4), facilitated by the individual conducting the review at the level of the process. If time limits are suspended, they shall begin running again upon request of any party that the formal resolution process be resumed.